

MIP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 05 2:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rigoberto MEZA-Herrera,

Defendant

Magistrate Docket No. 19

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 21, 2008** within the Southern District of California, defendant, **Rigoberto MEZA-Herrera**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

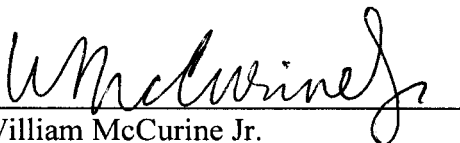


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **FEBRUARY**
2008



William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE


CONTINUATION OF COMPLAINT:
Rigoberto MEZA-Herrera

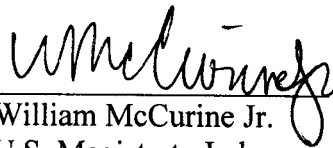
PROBABLE CAUSE STATEMENT

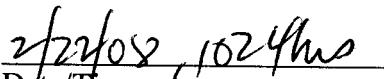
On February 21, 2008, Border Patrol Agent K. Wies, was conducting line watch operations in the Imperial Beach Border Patrol Station area of operations. At approximately 2:45 A.M., a station scope operator advised Agents via service radio that he observed four individuals in an area known as the "Cross." This area is approximately four miles west of the San Ysidro, California Port of Entry and approximately 400 yards north of the United States/Mexico International Boundary.

Agent Wies responded to the area, he found one individual later identified as the defendant **Rigoberto MEZA-Herrera**. Agent Wies identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The defendant freely admitted to being a citizen and national of Mexico, not in possession of any immigration documents that would allow him to legally enter or remain in the United States. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 30, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


James Trombley
Senior Patrol Agent


William McCurine Jr.
U.S. Magistrate Judge


Date/Time 2/22/08, 1024hrs